

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**MAURICE L. COLEMAN SR. and  
ROBERT F. BAKER,**

**Plaintiffs,**

**v.**

**JEFFERY NEWTON, Director of  
Douglas County Corrections, & Staff  
Leaders, ROCCA FORTE, LT,  
UNKNOWN CAPTAIN, UNKNOWN  
LT'S, and UNKNOWN SARGEANTS,**

**Defendants.**

**CASE NO. 8:08CV10**

**MEMORANDUM  
AND ORDER**

This matter is before the court on its own motion. On May 29, 2008, the court entered a Memorandum and Order permitting Plaintiffs to proceed with service on Defendants. (Filing No. [16](#).) Plaintiffs were given 120 days, or until September 22, 2008, to serve Defendants in this matter. (*Id.*) Plaintiffs were warned that "failure to obtain service of process on a defendant within 120 days of the date of this order may result in dismissal of this matter without further notice as to such defendant." (*Id.* at CM/ECF p. 9.) Plaintiffs have never returned completed summons forms to the Clerk of the court for issuance and have therefore failed to serve any Defendant in this matter. (See Docket Sheet.)

IT IS THEREFORE ORDERED that:

1. Plaintiffs' Complaint (Filing No. [1](#)) is dismissed without prejudice for failure to prosecute diligently and for failure to comply with the court's orders;
2. Plaintiffs remain responsible for the payment of the filing fee in accordance with the court's previous Memorandum and Orders; and

3. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 14<sup>th</sup> day of November, 2008.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge